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7 *Attorney for Defendant*
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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

2:21-cr-00053-GMN-VCF

12 Plaintiff,

**MOTION TO APPOINT
CO-COUNSEL**

13 vs.

14 DOUGLAS LEE THAYER,

15 Defendant.

16 Defendant Douglas Thayer respectfully asks the Court to appoint Mr.
17 Christopher S. Mishler as co-counsel for the defense. The nature and
18 complexity of this case are such that the interests of justice require
19 appointment of co-counsel and Mr. Mishler, who is current counsel's law
20 partner and already familiar with the case, is well suited to serve that role.
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1 This motion is made and based upon *Guide to Judicial Policies and*
2 *Procedures*, Vol 7, Ch 2 § 230.53.20(b), the attached memorandum of points
3 and authorities, the pleadings and papers on file herein, and any argument to
4 be entertained by the Court.
5

6 Dated: June 25, 2021

7 Respectfully submitted,
8

9 By: /s/ William Brown
10 WILLIAM H. BROWN, ESQ. (7623)
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**MEMORANDUM OF
POINTS AND AUTHORITIES**

A. BACKGROUND

This is an alleged mail and wire fraud case in which the government alleges Mr. Thayer deceitfully offered a pathway to U.S. citizenship through adult adoption. According to the indictment (EFC No. 1) Mr. Thayer, through his business, U.S. Adult Adoption Services (“USAAS”), falsely promised clients that, through adult-adoption, they could obtain new birth certificates, which in turn would provide a path to U.S. citizenship.

Nevada law allows for adult adoptions. *See* NRS 127.190. USAAS charged clients a fee for adult-adoption services and worked with a local attorney who filed adult-adoption petitions on the clients’ behalf with the goal of obtaining new (post-adoption) birth certificates, which could then facilitate citizenship. When a similar service in California was raided by the government, USAAS ceased operations and sent clients letters informing them of what had occurred as well as instructions for seeking a refund of the fees they paid.

According to the indictment, these letters (and the refund checks) furthered the alleged fraudulent scheme, which according to the government generated a loss amount exceeding \$1 million. *See* ECF No. 1 at 2. This case will go to trial, and presumably the government will be represented at trial

1 by two attorneys in addition to support staff. Mr. Thayer should likewise
2 have the benefit at trial of two defense attorneys given the nature and
3 complexity of this case.
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5 **B. APPOINTMENT OF CO-COUNSEL**

6 This case warrants the appointment of co-counsel because it is
7 extremely difficult and complex. *See Guide to Judicial Policies and*
8 *Procedures*, Vol 7, Ch 2 § 230.53.20(b). This case involves the intersection of
9 state adult-adoption law and federal immigration law as well as nuanced
10 issues of federal wire and mail fraud. Further, there are nine alleged victims,
11 most if not all of whom are non-native English speakers.
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13 To date, the government has produced more than 13,500 pages of
14 discovery. Apart from the alleged victims, the discovery identifies
15 approximately 75 individuals with varying degrees of knowledge of, and
16 involvement in, the alleged offense conduct. Also, it suggests the alleged
17 fraudulent scheme extends to at least two local attorneys, which gives rise to
18 a host of separate legal and factual issues. The combined effect is to make
19 this case extremely difficult and complex such that appointment of co-counsel
20 is necessary and appropriate in the interest of justice.
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22 The defense's preferred co-counsel, Mr. Mishler, is current defense
23 counsel's law partner, a member of the CJA panel, and a graduate of
24 Georgetown Law School, where he participated in the CJA practice clinic. He
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1 is capable, well-qualified, and more than willing to assume co-counsel duties.
2 Additionally, appointing Mr. Mishler co-counsel will afford him valuable trial
3 experience.

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5 For all of these reasons, the defense respectfully asks that the Court
6 enter an order appointing Mr. Mishler co-counsel for Mr. Thayer.

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8 Dated: June 25, 2021

9 Respectfully submitted,

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11 By: /s/ William Brown
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18 *Attorney for Defendant*
19 *Douglas Lee Thayer*

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of BROWN MISHLER, PLLC,
and that on this date I e-filed and e-served, via the Court's CM/ECF filing
system, the foregoing **MOTION TO APPOINT CO-COUNSEL** to the
parties of record.

Date: June 25, 2021

By: /s/ William Brown
Employee of BROWN MISHLER, PLLC

1 WILLIAM H. BROWN, ESQ. (7623)
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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

2:21-cr-00053-GMN-VCF

12 Plaintiff,

**ORDER APPOINTING
CO-COUNSEL**

13 vs.

14 DOUGLAS LEE THAYER,

15 Defendant.

16
17 Counsel for defendant Douglas Thayer has moved for an order
18 appointing co-counsel in this case for the purposes of trial. The motion
19 seeking appointment of co-counsel explains the nature of the case, the
20 difficulties it presents, and how, as a result, appointing co-counsel is
21 necessary in the interest of justice. Proposed co-counsel is Christopher S.
22 Mishler, who is current counsel's law partner, a member of the CJA panel,
23 and already familiar with the case.

24 As required by Volume 7, Ch. 2 § 230.53.20 of the Guide to Judicial
25 Policies and Procedures, the Court finds that the appointment of an
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1 additional attorney in this difficult case is necessary and is in the interests of
2 justice.

3 GOOD CAUSE APPEARING, it is hereby ORDERED that the Clerk of
4 the Court shall notify the CJA appointing authority for the District of Nevada
5 of the appointment of attorney Christopher S. Mishler as co-counsel for
6 defendant Douglas Thayer.
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9 IT IS SO ORDERED.

10 DATED this 21st day of July, 2021.

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UNITED STATES MAGISTRATE JUDGE
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